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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/269,618	07/21/1999	RICHARD BILLINGSLEY	DYOUN0185US	1326

7590 06/18/2003

DON W BULSON  
RENNER OTTO BOISSELLE & SKLAR  
1621 EUCLID AVENUE  
19TH FLOOR  
CLEVELAND, OH 44115

EXAMINER

REAGAN, JAMES A

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/269,618

Applicant(s)

BILLINGSLEY, RICHARD

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53, 61-63, 65-69, 73 and 74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2-53, 61-63, 65-69, 73, and 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the amendment received on 11 April 2003.
2. Claims 52 and 65 have been amended (paper #16).
3. Claims 2, 54-58, and 70-72 have been cancelled (paper #16).
4. Claims 1, 2-53, 61-63, 65-69, 73, and 74 have been examined.

### **Drawings**

5. The corrected or substitute drawings were received on 11 April 2003. The previous objection under 37 CFR 1.83(a) is withdrawn.

### **Previous Claim Rejections - 35 USC § 112**

6. Claims 65-69 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner thanks the Applicant for correcting the minor deficiencies within the claim language, and hereby withdraws the rejections.

### **RESPONSE TO ARGUMENTS**

7. Applicant's arguments received on 11 April 2003 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.
8. Applicant's arguments with respect to Hiroya have been considered but are not persuasive. Signing a digital ticket with a single signature, or multiple signatures is a design choice. Since using more than one signature increases the security of the system, Applicant's arguments seem counterintuitive. In addition, it would have been an clear and understandable design choice to one of ordinary skill in the art at the time of the invention to choose to sign ticket information and a public key with the same key and signature or using two separate ones, dependent upon the degree of security deemed necessary.

With regard to the arguments based on the Rosen reference, the Applicant has described possible situations or scenarios that might occur, but has not specifically made any assertions regarding the rejections based on the claim limitations. Hence,

the Examiner can find no specific assertions or arguments to address, but merely "what if" scenarios that are not written into the claim language.

With regard to the Hoffman reference, it is inherent that specifications that fall with a range of dates are considered valid and guaranteed, and specifications that fall outside of those dates would inherently be considered invalid and not guaranteed.

9. The following is a **Final Rejection** of all claims and associated limitations pending in the current application as amended in paper #16.

#### **Claim Rejections - 35 USC § 102**

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

11. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

12. Claims 1, 3 -17, 25 - 39, 49 - 51, 61 - 63 and 74 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiroya et al.

**Regarding claims 1, 10, 12 and 61 -63.**

Hiroya et al. teach an electronic ticket vending system such that Applicant's value note reads on the electronic ticket storage device, Applicant's first information reads on PTi, Applicant's second information reads on the ticket information, 610, and Applicant's step of calculating third information (RSA type signature – asymmetric encryption algorithm) reads on STk and column 15, lines 38 - 44.

**Regarding claims 3, 4, 8 and 9:**

Applicant's step of providing reads on the day and time of the event. It is inherent to this event day and time information that the ticket will expire (or become invalid) after that day.

**Regarding claims 5 - 7:**

Applicant's identification information reads on transaction serial number included in the ticket information, 610.

**Regarding claim 11:**

Applicant's electronic public communication system reads on the public telephone system.

**Regarding claims 13, 14 and 26:**

Applicant's method of handling a value note reads on Hiroya et al's refunding a purchased ticket, columns 19 - 20. Applicant's providing redemption instruction information reads on the message VR and Applicant's providing a bearer's signature reads on column 20, lines 24 - 28 and column 1, lines 37 - 42 (RSA type signature - asymmetric encryption algorithm).

**Regarding claim 15:**

Applicant's value note reads on the electronic ticket storage device, Applicant's first information reads on PT1i, Applicant's second information reads on the ticket information, 610, and Applicant's step of calculating third information reads on STk and column 15, lines 38 - 44.

**Regarding claims 16 and 17:**

Applicant's step of calculating the signature based on information including the redemption instruction information reads on column 20, lines 52 - 57.

**Regarding claim 25:**

Applicant's identification reference reads on the transaction number.

**Regarding claim 27:**

Applicant's electronic public communication system reads on the public telephone system.

**Regarding claim 28:**

Applicant's method of handling redemption instruction information reads on Hiroya et al's refunding a purchased ticket (value note), columns 19 - 20, wherein Applicant's step of verifying reads on the discussion at column 20, lines 39 - 57.

**Regarding claim 29:**

Applicant's plurality of value notes reads on the situation of Hiroya et al when there is more than one ticket on the device and a bearer wishes to receive a refund of more than one ticket.

**Regarding claim 30:**

Applicant's value note reads on the electronic ticket, Applicant's first information reads on PT1 i, Applicant's second information reads on the ticket information, 610, and Applicant's third information reads on column 20, lines 52 - 57. Applicant's providing redemption instruction information reads on the message VR and Applicant's providing a bearer's signature reads on column 20, lines 24 - 28.

**Regarding claims 31 and 32:**

Applicant's receiving information without a value note reads on the ticket information, VR, that is transmitted to the vending and refunding device from the ticket device and containing the message R initially sent by the vending and refunding device



message R is the same as that of the vending and refunding device. See column 20, lines 39 - 57.

**Regarding claims 33 - 35:**

Applicant's step of verifying that the note was not previously presented for redemption reads on verifying the ticket information (transaction number). If the transaction number was presented to the vending and refund device a second time, the transaction number would not be found in the history and no second refund could be given to the ticket device.

**Regarding claim 36:**

Applicant's counter signature reads on the publisher's signature.

**Regarding claim 37:**

Applicant's endorsement signature reads on the publisher's signature.

**Regarding claim 38:**

Applicant's expiry information reads on the date and time of the event. Applicant's testing reads on the determination by the vending and refunding device that the event has not passed before giving a refund.

**Regarding claim 39:**

Applicant's valid-from information reads on the inherent information of the purchase date and the event date; i.e., the ticket will only be valid for a refund (redeemed) after the purchase date and before the event date.

**Regarding claims 49 - 51:**

Hiroya et al. teach an electronic ticket vending system such that Applicant's electronic representation of a commodity reads on the electronic ticket (the ticket has a monetary value), Applicant's issuing authority reads on the electronic ticket vendor, and Applicant's information reads on the ticket information 610. Applicant's limitation that the representation is not available for redemption immediately reads on the date and time of an event for which the ticket was purchased in advance.

**Regarding Claim 74:**

Applicant's bank terminal reads on element 1, Applicant's user terminal reads on element 3, and Applicant's network reads on element 4. See Figure 1.

13. Claims 1, 3 - 28, 40 - 48, 51, 63, 65 - 69 and 74 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosen.

**Regarding claims 1, 13, 15, and 63:**

Rosen teaches an electronic monetary system such that Applicant's value note reads on element 11, Applicant's bearer's public key information (first information) reads on the identifier for money generator module, element 6, Applicant's information representative of a commodity (second information) reads on the type of note (credit or currency), Applicant's issuer's signature and issuer's public key information reads on the issuing bank's identifier and column 14, lines 6 - 14, Applicant's redemption instruction information reads on column 19, lines 30 - 65 (Body group of data fields) and

Applicant's bearer's signature reads on the digital signature of the Money Generator module, element 6 and columns 19 and 20, lines 54 - 67 and lines 1 - 4, respectively.

**Regarding claims 3, 4, 8 and 9:**

See figure 51.

**Regarding claims 5 - 7:**

See columns 19 - 20, lines 54 - 67 and 1 - 4, respectively.

**Regarding claims 10, 11 and 74:**

Applicant's bank terminal reads on element 1, Applicant's user terminal reads on element 4 and figure 3, and Applicant's network reads on column 2, lines 57 - 65.

**Regarding claims 12 and 14:**

RSA is considered inherent to public key cryptography used by Rosen.

**Regarding claims 16 and 17:**

See column 9, lines 1 -12.

**Regarding claims 18 - 26, 51:**

Applicant's redemption instruction information reads on figure 51 and column 20, beginning at line 14, through column 22, line 57, approximately.

**Regarding claim 28:**

Applicant's verification prior to redeeming the value note reads on verifying the certificates of the money modules and column 19 - 20, lines 66 - 67 and 1 - 4, respectively.

**Regarding claims 40 - 43 and 46:**

Applicant's redemption instruction information reads on figure 51 and column 20, beginning at line 14, through column 22, line 57, approximately.

**Regarding claim 44:**

Applicants' step or issuing replacement notes reads on columns 51 and 52, lines 65 - 67 and 1 - 12, respectively.

**Regarding claim 45:**

Applicant's different bearer's public key reads on column 37, line 48 - 55 wherein "A" represents the bearer of money generating module °A".

**Regarding claims 47 and 48:**

Applicant's step of communicating each value not electronically to a remote party corresponding to the source of the value note reads on communicating with the issuer via the network of Rosen.

**Regarding claims 65, 67 and 68:**

Applicant's step of providing a list of identification information and redemption requests and step of providing a bearer's signature reads on columns 12 - 13, lines 49 - 67 and lines 1 - 36.

**Regarding claim 66:**

Applicant's one redemption request including a request to issue a new value note is considered inherent to the system of Rosen; i.e., when the value of the transfer amount is less than the value of the note, a new note will be issued to reflect the difference. See also column 20, lines 5 - 14.

**Regarding claim 69:**

Applicant's money handling authority reads on element 28.

14. Claim 73 is rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman.

Hoffman teaches a system for promoting account activity such that Applicants' electronic representation of a commodity reads on figure 5, the customer's account/statement which is at the least in electronic form prior to transmission to the customer, Applicants' first information reads on the guarantee of a fixed rate of return for a limited term and Applicants' second information reads on the customer's ability to retain the account indefinitely but with a lower rate of return. See column 8, lines 51 - 64.

**Allowable Subject Matter**

15. Claims 52 and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

**Washington, D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including

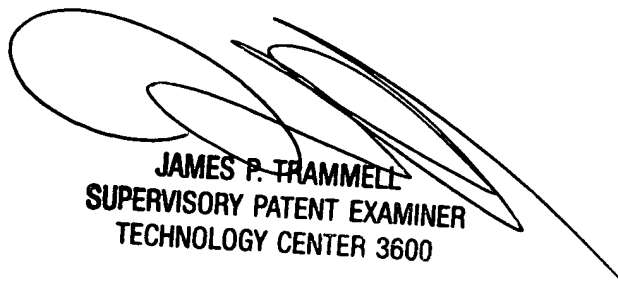
After Final communications labeled "Box AF"]

**(703) 308-1396** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR

16 June 2003

  
**JAMES P. TRAMMELL**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**